

REMARKS

In further support of the claims presented and amendments thereof, Applicants submit the following remarks.

I. Elections/Restrictions

In the Office Actions dated August 4, 2003 (Paper No. 8) and August 13, 2003 (Part of Paper No. 8), the Examiner indicated that restriction to one of the following inventions is required under 35 U.S.C. § 121. The Examiner identified three inventions, Invention I, Invention II, Invention III, and Invention IV.

The Examiner argued that Invention I includes claims 1-16 and 2-35 drawn to a method and system for providing a coupon to a user wherein the user downloads the coupon over the Internet and stores it in a handheld device and wherein the user takes the handheld device to a POS for redemption wherein the coupon information is retrieved by the POS system from the handheld device during a synchronization process. The Examiner classified claims 1-16 and 2-35 in 705/14, 705/26, 235/383 and 340/7.2.

The Examiner argued that Invention II includes claims 39-44 and 45-50 drawn to a method and system for distributing targeted incentive to a user, subsequent to storing the user's profile in a database within the user's handheld device, wherein at least one incentive or coupon is transmitted to the user over the Internet to the user's handheld device, in accordance with the user's stored profile where it is stored and wherein the user takes the handheld to a POS for redemption where the coupon information is retrieved by the POS system from the handheld device during a synchronization process and classified in 705/14, 705/26, 235/383, 235/380, 235/375 and 340/7.2 The Examiner indicated that Inventions I and II are related as combination/subcombination separately usable.

The Examiner argued that Invention III includes claim 17 and 36 drawn to a

method and system for providing at least one negotiable economic credit wherein a smart card is used to upload coupon data from the smart card into the user's handheld device or coupon data to be downloaded from the handheld device to the smart card.

The Examiner argued that Invention IV includes claims 18-19 and 37-38 drawn to a method and system for configuring the user's handheld device bar code scanner or optical scanner to upload into the user's handheld device coupon data read or scanned from printed publications or newspapers and so on. The Examiner referred to species shown in Figs. 38-40 and pages 99-101.

The Examiner therefore indicated that the Applicant is required under 35 U.S.C. § 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

The Applicants elected over the phone to have Invention I examined. The Applicants therefore have amended the claims to reflect this election. Claims 1-16 and 20-35 are elected for further prosecution, while claims 39-44, 45-50, 17, 36, 18-19, and 37-38 have been cancelled via amendments as indicated herein. Applicants reserve the right, of course, to file divisional patent applications directed respectively to the claims of Inventions II, III, and IV for further prosecution of the claims.

II. Claim Objections

Claim 5 was objected to by the Examiner because of informalities. Regarding claim 5, lines 6-7, the Examiner indicated that "...between said point of sale said handheld device" should apparently be -- ...between said point of sale **and** said handheld device--. Applicants agree with have amended claim 5, as indicated herein, to correct this minor error. Applicants submit that the objection to claim 5 has been traversed. Applicants request that claim 5 be allowed.

III. Rejections Under 35 U.S.C. § 112

The Examiner indicated that Claim 34 recites the limitation "said transmission module" in line 1. The Examiner stated that there is insufficient antecedent basis for this limitation in the claim. For examination purpose, the Examiner assumed that the Applicant means to refer to -- said transfer module -- . Applicants have amended claim 34 so that "transmission module" has been corrected to refer to "transfer module". Applicants submit that the rejection to claim 34 under 35 U.S.C. § 112 has been traversed. Applicants request that claim 34 be allowed.

IV. Duplicate Claims

The Examiner objected to claim 13 under 37 CFR § 1.75 as being a substantial duplicate of claim 14 because the Examiner argued that the two claims are virtually identical except that claim 13 recites "a wireless network" and claim 14 recites "wireless communications" and these two phrases are used interchangeably in the art. The Examiner asserted that when two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. The Applicants assert that the aforementioned objection to claims 13 and 14 has now been traversed, because claim 14 has been amended to refer narrowly to the wireless network as a personal area network, whereas claim 13 does not, and simply refers to a broader "wireless network" as defined in the specification.

V. Claim Rejections Under 35 U.S.C. § 102

The Examiner rejected claims 1-5, 8-11, 13-14 and 20-35 under 35 U.S.C. § 102(e) as being anticipated by Guthrie et al (hereinafter "Guthrie"), U.S. Patent No. 6,467,686 B1.

Regarding claim 1, the Examiner argued that Guthrie discloses a system for providing electronic coupons or negotiable economic credits to a user over the Internet or any other computer network having a server containing a central repository or database storing the electronic coupon data, wherein the electronic

coupon data are downloaded to the user's portable device or handheld device or coupon scanner connected to a cradle. The Examiner argued that the stored coupon data are marked with a unique personal identifier that will electronically stamp the coupon data with the user's personal information. The Examiner asserted that once the user has uploaded the coupon scanner of handheld device with the desired coupon data, the user can take the coupon scanner to a retail store where he can redeem the electronic coupons at the retail store checkout through a POS cradle (citing docking station 22 of Figs. 1, 6 and 7 of Guthrie) located at the checkout used to upload or transfer the coupon data from the coupon scanner to the retail store system during a redemption process (citing synchronization of POS and handheld device and Col. 4, line 64 to Col. 5, line 24 of Guthrie. The Applicants respectfully disagree with this assessment.

Applicants' claim 1 is directed toward a method for processing negotiable economic credits through a hand held device, comprising the steps of synchronizing a point of sale with a hand held device having at least one (i.e., one or more) negotiable economic credit therein; and transferring the at least one negotiable economic credit from the hand held device to the point of sale, in response to synchronization of the point of sale and the hand held device. Guthrie, on the other hand, does not disclose or teach "negotiable economic credits" as taught by Applicants' claim 1 and specification.

Applicants' specification indicates that an aspect of Applicants' present invention is to provide improved methods and systems for processing negotiable economic data (e.g., coupons, credits, or other financial incentives and awards) through hand held devices. An example of a negotiable economic credit is simply a credit (i.e., cash) or awards such as airline mileage awards, as indicated in Applicants' specification. Neither the docking station 22 of Figs. 1, 6 and 7 of Guthrie and Col. 4, line 64 to Col. 5, line 24 of Guthrie disclose, teach or suggest such negotiable economic credits. Guthrie is limited only to coupons and does not take into account these other types of negotiable economic credits. Thus, the term "negotiable economic credit" as utilized by Applicants' is not limited to merely "coupons". Guthrie, on the other hand is limited to "a system and method for

managing coupon redemption process" electronically, as indicated at, for example, the Abstract, Figs. 8, 9 flowchart, Col. 1, lines 9-15, Col. 6, lines 1-67, Col. 9, lines 1-50, and claims 1-22 of Guthrie. It is important to note that Guthrie refers particularly in the claims thereof to "coupons" and "coupon information," but never mentions or even suggests cash, awards, incentives, etc.

Applicants clearly refer to "negotiable economic credits" in Applicants' specification as comprising several types of credits. For example, in the "summary of the invention" section of Applicants' specification (see pages 9-10), Applicants indicate that "...It is therefore an aspect of the present invention to provide improved methods and systems for conducting E-commerce utilizing hand held devices" and "...It is another aspect of the present invention to provide improved methods and systems for processing negotiable economic data (e.g., coupons, credits, or other financial incentives and awards) through hand held devices" and "It is yet another aspect of the present invention to provide improved methods and systems, including program products related thereof, for generating, capturing, and redeeming product discount coupons and other negotiable economic credits or awards (e.g., frequent flyer miles)." Additionally, Applicants' "summary of the invention" section of Applicants' specification indicates that "...The above and other aspects are achieved as are now described...Methods and systems are disclosed herein for processing negotiable economic credits, including electronic coupons and other electronic credits, incentives, cash or awards, through a hand held device."

Thus, Guthrie does not teach synchronizing a point of sale with a hand held device having at least one (i.e., one or more) negotiable economic credit therein; and transferring the at least one negotiable economic credit from the hand held device to the point of sale, in response to synchronization of the point of sale and the hand held device, wherein such negotiable economic credits can be not merely coupons, but also cash, incentives, awards, and so forth. Applicants have amended claim 1 as indicate here to clarify that "said at least negotiable economic credit comprises at least one of the following: at least one coupon, at least one financial award, at least one financial incentive, or cash". A similar amendment has been made to claim 20. Applicants believe that adequate support is provided by

Applicants' specification for such claim amendments. Applicants believe that the arguments presented above with respect to claim 1 apply equally to the rejection to claim 20. Based on the foregoing, Applicants believe that the rejection to claim 1 has now been traversed and respectfully request that the aforementioned rejection to claim 1 (and claim 20) be withdrawn.

Regarding claims 2 and 4, the Examiner argued that Guthrie discloses a system for providing electronic coupons or negotiable economic credits to a user over the Internet or any other computer network having a server containing a central repository or database storing the electronic coupon data, wherein the electronic coupon data are downloaded to the user's portable device or handheld device or coupon scanner connected to a cradle (citing docking station 22 of Figs. 1, 6 and 7 of Guthrie). The Examiner asserted that the stored coupon data are marked with a unique personal identifier that will electronically stamp the coupon data with the user's personal information. The Examiner further asserted that once the user has uploaded the coupon scanner or handheld device with the desired coupon data, the user can take the coupon scanner to a retail store where he can redeem at least one electronic coupon at the retail store checkout having a POS cradle located at the checkout used to connect the coupon scanner in order to upload or transfer the at least one electronic coupon data from the coupon scanner to the retail store system (synchronization of POS and handheld device) (citing Col. 4, line 64 to Col. 5, lines 24; Col. 7, line 48 to Col. 8, line 24, Col. 8, line 66 to col. 9, line 34 of Guthrie). The Applicants respectfully disagree with this assessment.

Col. 4, line 64 to Col. 5, lines 24; Col. 7, line 48 to Col. 8, line 24, Col. 8, line 66 to col. 9, line 34 of Guthrie, cited by the Examiner does not disclose, teach or suggest "negotiable economic credit" as defined/taught by Applicants' specification and Applicants' claim 1, from which claims 2 and 4 depend. Applicants' claim 2 is directed toward the step of redeeming the at least one negotiable economic credit at the point of sale, in response to transferring the at least one negotiable economic credit from the hand held device to the point of sale. Redemption does not occur via Guthrie "in response" to transference thereof. Additionally, as indicated above, "negotiable economic credit" is not taught, suggested or disclosed by Guthrie and is

not inherent to Guthrie. Applicants' Amended claim 1 from which Applicants' claim 2 depends, and/or Applicants' specification (see pages 9-10) teach that the at least negotiable economic credit comprises at least one of the following: at least one coupon, at least one financial award, at least one financial incentive, or cash. Guthrie is limited to coupon management rather than cash, awards and other financial incentives (e.g., airline awards miles). Applicants' claim 4 is directed toward the step of electronically negotiating a coupon exchange between the point of sale and the hand held device, in response to transferring the at least one negotiable economic credit from the hand held device to the point of sale. Guthrie does not disclose, suggest or teach a coupon exchange that occurs "in response" to transferring a "negotiable economic credit," which can be at least one coupon, at least one financial award, at least one financial incentive, or cash. Thus, Guthrie does not teach and/or disclose all of the elements/features of Applicants' claims 2 and 4.

Applicants remind the Examiner that in order to sustain a rejection under 35 U.S.C. § 102(e), the cited reference of Guthrie must show all of the elements/features taught by the rejected claims. If even one element/feature of the rejected claim(s) is not shown or is lacking in the cited reference, the cited reference is not adequate as the basis for a rejection under 35 U.S.C. § 102(e). Therefore, because Guthrie does not teach all of the elements of claims 2 and 4, including the "in response" features and the negotiable economic credits, including all of the elements of negotiable economic credit (cash, financial awards, incentives and/or coupons), the rejections to claims 2 and 4 must be withdrawn. Applicants therefore request withdrawal of the rejections to claims 2 and 4.

Regarding claims 3 and 5, the Examiner argued that Guthrie teaches a system wherein after redeeming at least one electronic coupon stored within the memory or database of the coupon scanner, subsequent to the uploading during a redemption process or synchronization process the at least one electronic coupon data from the coupon scanner to the retail store POS system (pricing system) and successfully comparing and matching transmitted coupon data with scannable pricing information, coupon information related to the redeemed electronic coupon is

deleted from the memory or database of the coupon scanner where the coupon information was stored to thereby prevent fraud (reconciling data representative of the at least one electronic coupon or negotiable economic credit stored within the memory or database of the coupon scanner or handheld device) (citing Col. 8, line 66 to Col. 9, line 34 of Guthrie). Applicants respectfully disagree with this assessment.

Claims 3 and 5 depend from directly or indirectly from Applicants' claim 1, which defines negotiable economic credits as cash, financial awards, incentives and/or coupons. The language of Col. 8, line 66 to Col. 9, line 34 of Guthrie does not teach disclose or suggest such negotiable economic credits. Instead, Applicants' claim 3 is directed toward the step of reconciling data representative of at least one negotiable economic credit contained in a database within the hand held device, in response to redeeming the at least one negotiable economic credit at the point of sale. Applicants' claim 5 is directed toward the step of reconciling data representative of at least one negotiable economic credit contained in a database within the hand held device, in response to electronically negotiating said coupon exchange between said point of sale and said hand held device. Guthrie does not teach databases or memory locations in which such negotiable economic credits are stored. Instead, Guthrie is limited to "coupons" and "coupon information" which do not teach all of the following: cash, financial awards, incentives, and coupons. Guthrie lacks this very important feature. Applicants therefore submit that claims 3 and 5 have been traversed and that the aforementioned rejection to claims 3 and 5 under 35 U.S.C. § 102(e) should be withdrawn. Applicants request withdrawal of the rejection to claims 3 and 5 under 35 U.S.C. § 102(e).

Regarding claims 8-11, the Examiner argued that Guthrie discloses a system for providing electronic coupons or negotiable economic credits to a user over the Internet or any computer network having a server containing a central repository or database storing the electronic coupon data, wherein the electronic coupon data are downloaded to the user's portable device or handheld device or coupon scanner connected to a cradle (citing docking station 22 of Figs. 1, 6 and 7 of Guthrie). The Examiner asserted that the stored coupon data are marked with a unique personal

identifier that will electronically stamp the coupon data with the user's personal information. Once the user has uploaded the coupon scanner or handheld device with the desired coupon data, the Examiner asserted that the user can take the coupon scanner to a retail store where he can redeem at least one electronic coupon at the retail store checkout having a POS cradle (docking station) located at the checkout used to connect the coupon scanner in order to upload or transfer the at least one electronic coupon data from the coupon scanner or handheld device to the retail store system (synchronization of POS and handheld device).

The Examiner further asserted that when a product UPC code, stored in a database or product database related to the retail POS system and read by the retail store POS scanner during a transaction or redemption process, matches a product UPC code in the customer's or user's order, which is directly associated with the at least one electronic coupon transferred from the user's coupon or handheld device to the retail store POS system and when the uploaded or transferred electronic coupon information and the validation code respectively compared to the scannable pricing information stored in the POS pricing database (arguing that this is a coupon database) and the stored validation code corresponding to a corresponding validation code provide a manufacturer matches the scannable pricing information and the provided validation code respectively, the at least one electronic coupon is redeemed accordingly and a price reduction is applied to the customer's order. The Examiner stated that it is further understood that coupon data are stored in a database or pricing database or coupon database coupled to the POS system and wherein the stored data are retrieved during redemption and used for validation and comparison purposes as inherently practiced in the art. (Citing Col. 7, line 48 to Col. 9, line 34; Col. 4, line 64 to Col. 5, lines 24; Col. 7, line 48 to Col. 8, line 24; Col. 8, line 66 to Col. 9, line 34; Col. 12, lines 56-62; Fig. 9; and Claim 1 of Guthrie).The Applicants respectfully disagree with this assessment.

The Examiner is incorrect in arguing that Guthrie discloses a system for providing electronic coupons or negotiable economic credits to a user over the Internet or any computer network having a server containing a central repository or database storing the electronic coupon data, wherein the electronic coupon data are

downloaded to the user's portable device or handheld device or coupon scanner connected to a cradle. Guthrie does not disclose or teach negotiable economic credits as taught by Applicants specification and claims 8-11 which are directly or indirectly dependent upon Applicants' amended claim 1. Applicants' claim 8 is directed toward the steps of accessing a product database associated with the point of sale; retrieving product data from the product database associated with the point of sale; and comparing the product data to data representative of the at least one negotiable economic credit transmitted from the hand held, in response to scanning a product code associated with at least one item to be purchased at the point of sale. Applicants note that Guthrie also does not teach or suggest a product database associated with the point of sale. Examiner has not cited language of Guthrie which suggests a product database associated with a point of sale. Also, Guthrie does not disclose, or suggest teach product data, which is representative of the negotiable economic credits (as taught by Applicants claims and specification). It can be surmised that such product data represents at least one of the following: cash, credits, financial incentives, awards or coupons, which are all not taught by Guthrie. Applicants therefore submit that the rejection to claim 8 has been traversed. Applicants therefore request withdrawal of the rejection to claim 8.

Applicants claim 9 teaches accessing a database associated with the point of sale; retrieving coupon data from the database associated with the point of sale; and comparing coupon data transmitted from the hand held device to coupon data retrieved from the database associated with the point of sale, in response to scanning a product code associated with at least one item to be purchased at the point of sale. Applicants note that all of the features of claim 9 are taught in association with all of the features of the claim(s) from which claim 9 depends, including negotiable economic credits. Therefore, because Guthrie does not teach such negotiable economic credits, Guthrie can not be utilized as a basis for rejecting claim 9. Applicants therefore submit that the rejection to claim 9 has been traversed. Applicants therefore request withdrawal of the rejection to claim 9.

Applicants' claim 10 teaches the step of identifying matching coupon data to calculate at least one price discount, in response to comparing coupon data

transmitted from the hand held device to product data retrieved from the product database and coupon data retrieved from the database associated with the point of sale. Again, Applicants note that all of the features of claim 10 are taught in association with all of the features of the claim(s) from which claim 10 depends, including negotiable economic credits. Therefore, because Guthrie does not teach such negotiable economic credits as taught by Applicants, Guthrie can not be utilized as a basis for rejecting claim 10. Applicants therefore submit that the rejection to claim 9 has been traversed. Applicants therefore request withdrawal of the rejection to claim 10.

Applicants' claim 11 is directed toward the steps of compiling a subtotal price for the at least one item to be purchased at the point of sale, in response to scanning product codes associated with the at least one item to be purchased at the point of sale; and calculating a new total for items scanned at the point of sale, wherein the new total includes price discounts therein, in response to identifying matching coupon data to calculate price discounts. Again, Applicants note that all of the features of claim 11 are taught in association with all of the features of the claim(s) from which claim 11 depends, including negotiable economic credits. Therefore, because Guthrie does not teach such negotiable economic credits as taught by Applicants, Guthrie can not be utilized as a basis for rejecting claim 11. Applicants therefore submit that the rejection to claim 9 has been traversed. Applicants therefore request withdrawal of the rejection to claim 10.

Regarding claims 13-14, 25-26 and 32-35, the Examiner argued that Guthrie discloses a system for providing electronic coupons (arguing new coupon data) or negotiable economic credits to a user over the Internet or any computer network having a server containing a central repository or database (arguing coupon source) storing the electronic coupon data, wherein the electronic coupon data are downloaded to the user's portable device or handheld device or coupon scanner connected to a cradle during an interaction or synchronization between the central repository and the coupon scanner. The Examiner asserted that the stored coupon data are marked with a unique personal identifier that will electronically stamp the coupon data with the user's personal information. Once the user has uploaded the

coupon scanner or handheld device with the desired coupon data, the user can take the coupon scanner to a retail store where he can redeem the electronic coupons at the retail store checkout through a POS cradle (citing docking station 22 of Figs. 1, 6 and 7, infrared device interface or wireless device interface) located at the checkout used to upload or transfer the coupon data from the coupon scanner to the retail store (arguing synchronization of POS and handheld device) and wherein the cradle is an infrared transceiver device interface or wireless device interface. The Examiner argued that a wireless connection (arguing a wireless communications network) is used during the synchronization process between the coupon scanner or the handheld device and the retail store POS system to transfer coupon data related to at least one electronic coupon or negotiable economic credit from the coupon scanner to the retail store POS system (Col. 4, line 64 to Col. 5, line 24; and claims 1, 8, 22 of Guthrie).

The Applicants respectfully disagree with this assessment and note in particular that the infrared (IR) device interface or wireless device interface of Guthrie cited by the Examiner does not suggest a wireless network but merely an IR device which can communicate wirelessly with a wireless device. Such a configuration does not even teach, suggest, or anticipate a wireless network based on IR devices or wireless devices, but merely IR devices and wireless IR communications means (not wireless networks). The Examiner has not explained how wireless networks (even wireless networks based on IR) are taught or suggested by Guthrie. Guthrie merely mentions direct IR communications between two devices and not wireless networks or even wireless IR networks.

Applicants note that neither col. 4, line 64 to Col. 5, line 24; and claims 1, 8, 22 of Guthrie teach wherein the at least negotiable economic credit comprises at least one of the following: at least one coupon, at least one financial award, at least one financial incentive, or cash. Additionally, neither Col. 4, line 64 to Col. 5, line 24; and claims 1, 8, 22 of Guthrie, nor any other section of Guthrie cited by the Examiner teaches a wireless network. Guthrie at Col. 5, lines 1-14, refers to "...upload coupon information via the Internet or similar data connection highway from a server that contains the coupon information." Claims 8 and 22 of Guthrie,

fore example, refer only to an "infrared transceiver device and a wireless device". This language suggests not a "wireless network" as defined by Applicants' specification, but merely wireless communications limited to infrared transceiver communications means, which do not teach or suggest a "wireless network" as taught by Applicants' invention. In fact, such infrared communications means and wireless devices do not disclose, suggest or teach wireless networks at all, but merely infrared (IR) communications between a nearby hand held device or nearby location (i.e., a POS).

Applicants' wireless network, on the other hand, is much different. Applicants refer the Examiner to Applicants specification, including Applicants Figs. 4-12, which teaches a "local wireless network", and Fig. 28, which describes various types of wireless networks in which Applicants' invention can be embodied. Applicants' FIG. 28 illustrates an entity diagram 400 illustrating possible attributes for a wireless network, in accordance with preferred embodiments of the present invention. Those skilled in the art can appreciate that wireless network 414 may be utilized in place of or in association with network 143 of FIG. 19 and FIG. 20. Such a wireless network can be utilized to permit a hand held device, such as hand held device 132 of FIG. 20 to communicate with a POS, third-party provider and/or a transaction broker.

Applicants' specification with respect to Fig. 28 also indicates that a variety of possible wireless communications and networking configurations may be utilized to implement wireless network 414. Wireless network 414 may be, for example, implemented according to a variety of wireless protocols, including satellite, wireless telecommunications network (e.g., cellular), and direct RF or IR communications. Satellite communications can be implemented in combination with such a network. Note, however, that RF or IR communications does not imply a wireless network such as a telecommunications network. The hand held device can communicate with a POS, third-party provider of coupons/credits, retail establishment, or transaction broker to acquire, transmit, and negotiate coupon exchanges through wireless network 414. Wireless network 414 can be implemented as a single network type (e.g., *Bluetooth*) or a network based on a combination of network

types (e.g., GSM, CDMA, etc). Guthrie does not teach, suggest or disclose such networks, including wireless networks based on RF or IR communications.

Applicants' specification with respect to Fig. 28 further indicates that wireless network 414 can be configured as a CDPD (Cellular Digital Packet Data) network 413, well-known in the networking arts. CDPD may be configured as a TCP/IP based technology that supports Point-to-Point (PPP) or Serial Line Internet Protocol (SLIP) wireless connections to mobile devices, such as the hand held devices described and illustrated herein. Cellular service is generally available throughout the world from major service providers. Data can be transferred over switched PSTN circuits or packet-switched network utilizing CDPD protocols. Current restrictions of CDPD are not meant to limit the range or implementation of the method and system described herein, but are described herein for illustrative purposes only. It is anticipated that CDPD will be continually developed, and that such new developments can be implemented in accordance with the present invention. Guthrie does not teach, suggest or disclose CDPD or similar wireless telecommunications networks.

Applicants' specification with respect to Fig. 28 further indicates that Wireless network 414 can be also configured as a Personal Area Network 402 or *Bluetooth*, as described herein. *Bluetooth* was adopted by a consortium of wireless equipment manufacturers referred to at the Bluetooth Special Interest Group (BSIG), and has emerged as a global standard for low cost wireless data and voice communication. Current specifications for this standard call for a 2.4 GHz ISM frequency band. *Bluetooth* technology is generally based on a short-range radio transmitter/receiver built into small application specific circuits (ASICs) and embedded into support devices, such as the hand held devices described and illustrated herein. Guthrie does not teach, suggest or disclose personal area networks or Bluetooth. Other examples of personal area networks include those based on the 802.11 wireless telecommunications protocols.

Applicants' specification with respect to Fig. 28 also indicates that the *Bluetooth* standard permits up to 100 mw of power, which can increase the range to

100 M. In addition, *Bluetooth* can support up to three voice channels. Utilizing short data packets and frequency hopping of up to 1600 hops per second, *Bluetooth* is a wireless technology that can be utilized to enable the implementation of the method and system described herein. Wireless network 414 can also be configured as a GSM network 404. GSM (Global System for Mobile Communication) and PCS (Personal Communications Systems) networks, both well-known in the telecommunications arts, generally operate in the 800 MHz, 900 MHz, and 1900 MHz range. PCS initiates narrowband digital communications in the 900 MHz range for paging, and broadband digital communications in the 1900 MHz band for cellular telephone service. In the United States, PCS 1900 is generally equivalent to GSM 1900. GSM operates in the 900 MHz, 1800-1900 MHz frequency bands, while GSM 1800 is widely utilized throughout Europe and many other parts of the world. In the United States, GSM 1900 is generally equivalent to PCS 1900, thereby enabling the compatibility of these two types of networks. Current restrictions of GSM and PCS are not meant to limit the range or implementation of the present invention, but are described herein for illustrative purposes only. It is anticipated that GSM and PCS will be continually developed, and that such new developments can be implemented in accordance with the present invention. Guthrie does not teach, suggest or disclose GSM and PCS.

Applicants' specification with respect to Fig. 28 further indicates that wireless network 414 can be also implemented as a GPRS network 406. GPRS technology, well-known in the telecommunications arts, bridges the gap between current wireless technologies and the so-called "next generation" of wireless technologies referred to frequently as the third-generation or 3G wireless technologies. GPRS is generally implemented as a packet-data transmission network that can provide data transfer rates up to 115Kbps. GPRS can be implemented with CDMA and TDMA technology and supports X.25 and IP communications protocols, all well-known in the telecommunications arts. GPRS also enables features, such as Voice over IP (VoIP) and multimedia services. Current restrictions of GPRS are not meant to limit the range or implementation of the present invention, but are described herein for illustrative purposes only. It is anticipated that GPRS will be continually developed and that such new developments can be implemented in accordance with the

present invention. Guthrie does not teach, suggest or disclose GPRS.

Applicants' specification with respect to Fig. 28 further indicates that wireless network 414 can be implemented as a cellular communications network such as CDMA network 408. CDMA (Code Division Multiple Access) is a protocol standard based on IS-95 CDMA, also referred to frequently in the telecommunications arts as CDMA-1. IS-95 CDMA is generally configured as a digital wireless network that defines how a single channel can be segmented into multiple channels utilizing a pseudo-random signal (or code) to identify information associated with each user. Because CDMA networks spread each call over more than 4.4 trillion channels across the entire frequency band, it is much more immune to interference than most other wireless networks and generally can support more users per channel.

Applicants' specification with respect to Fig. 28 further indicates that currently, CDMA can support data at speeds up to 14.4 Kbps. Wireless network 414 can also be configured with a form of CDMA technology known as wideband CDMA (W-CDMA). Wideband CDMA may be also referred to as CDMA 2000 in North America. W-CDMA can be utilized to increase transfer rates utilizing multiple 1.25 MHz cellular channels. Current restrictions of CDMA and W-CDMA are not meant to limit the range or implementation of the present invention, but are described herein for illustrative purposes only. It is anticipated that CDMA and W-CDMA will be continually developed and that such new developments can be implemented in accordance with the present invention. Guthrie does not teach, suggest or disclose CDMA and/or W-CDMA.

Applicants' specification with respect to Fig. 28 further indicates that wireless network 414 can be also implemented as a paging network 410. Such paging networks, well-known in the telecommunications arts, can be implemented in accordance with the present invention to enable transmission or receipt of data over the TME/X protocol, also well-known in the telecommunications arts. Such a protocol enables notification in messaging and two-way data coverage utilizing satellite technology and a network of base stations geographically located throughout a particular geographical region. Paging network 410 can be configured to process

enhanced messaging applications.

Applicants' specification with respect to Fig. 28 further indicates that Unified messaging solutions can be utilized in accordance with wireless network 414 to permit carriers and Internet service providers to manage customer e-mail, voice messages and fax images and can facilitate delivery of these communications to PDAs, telephony devices, pagers, personal computers and other capable information retrieval devices, wired or wireless. Current restrictions of such paging networks are not meant to limit the range or implementation of the present invention, but are described herein for illustrative purposes only. It is anticipated that such paging networks, including those based on the TME/X protocol, will be continually developed and that such new developments can be implemented in accordance with the present invention. Guthrie does not teach, suggest or disclose such paging networks.

Applicants' specification with respect to Fig. 28 further indicates that wireless network 414 can also be configured as a TDMA network 412. TDMA (Time Division Multiple Access) is a telecommunications network utilized to separate multiple conversation transmissions over a finite frequency allocation of through-the-air bandwidth. TDMA can be utilized in accordance with the present invention to allocate a discrete amount of frequency bandwidth to each user in a TDMA network to permit many simultaneous conversations or transmission of data. Each user may be assigned a specific timeslot for transmission. A digital cellular communications system that utilizes TDMA typically assigns 10 timeslots for each frequency channel. Guthrie does not teach, suggest or disclose TDMA.

Applicants' specification with respect to Fig. 28 further indicates that Wireless network 414 can also be configured as a WIN (Wireless Intelligent Network) 415. Guthrie does not teach, suggest or disclose WIN, which is the architecture of the wireless switched network that allows carriers to provide enhanced and customized services for mobile telephones. Intelligent wireless networks generally include the use of mobile switching centers (MSCs) having access to network servers and databases such as Home Location Registers (HLRs) and Visiting Location Registers

(VLRs), for providing applications and data to networks, service providers and service subscribers (wireless device users). Local number portability allows wireless subscribers to make and receive calls anywhere - regardless of their local calling area. Roaming subscribers are also able to receive more services, such as call waiting, three-way calling and call forwarding. A HLR is generally a database that contains semipermanent mobile subscriber (wireless device user) information for wireless carriers' entire subscriber base.

Applicants' specification with respect to Fig. 28 further indicates that HLR subscriber information includes identity, service subscription information, location information (the identity of the currently serving VLR to enable routing of communications), service restrictions and supplementary services/information. HLRs handle SS7 transactions in cooperation with Mobile Switching Centers and VLR nodes, which request information from the HLR or update the information contained within the HLR. The HLR also initiates transactions with VLRs to complete incoming calls and update subscriber data. Traditional wireless network design is generally based on the utilization of a single HLR for each wireless network, but growth considerations are prompting carriers to consider multiple HLR topologies. The VLR may be also configured as a database that contains temporary information concerning the mobile subscribers currently located in a given MSC serving area, but whose HLR may be elsewhere. When a mobile subscriber roams away from the HLR location into a remote location, SS7 messages are used to obtain information about the subscriber from the HLR, and to create a temporary record for the subscriber in the VLR. Guthrie does not teach, suggest or disclose HLR, VLR, SS7 and other such wireless telecommunications network features.

Applicants' specification with respect to Fig. 28 further indicates that Signaling System No. 7 (referred to as SS7 or C7) is a global standard for telecommunications. In the past the SS7 standard has defined the procedures and protocol by which network elements in the public switched telephone network (PSTN) exchange information over a digital signaling network to affect wireless and wireline call setup, routing, control, services, enhanced features and secure communications. Such systems and standards may utilize to implement wireless

network 414, in accordance with the present invention.

Applicants' specification with respect to Fig. 28 further indicates that Improved operating systems and protocols allow Graphical User Interfaces (GUIs) to provide an environment that displays user options (e.g., graphical symbols, icons or photographs) on a wireless device's screen. Extensible Markup Language ("XML") is generally a currently available standard that performs as a universal language for data, making documents more interchangeable. XML allows information to be used in a variety of formats for different devices, including PCs, PDAs and web-enabled mobile phones. XML enables documents to be exchanged even where the documents were created and/or are generally used by different software applications. XML may effectively enable one system to translate what another system sends. As a result of data transfer improvements, wireless device GUIs can be utilized in accordance with a hand held device and wireless network 414, whether configured as a paging network or another network type, to render images on the hand held device that closely represent the imaging capabilities available on desktop computing devices.

Applicants' FIG. 29 depicts a block diagram 416 illustrating the interaction of wireless network 414, a hand held device 416, and cash management modules, in accordance with preferred embodiments of the present invention. Cash management modules include a third-party provider 418, coupon manager 450, credit manager 422, product manager 424 and POS 426. Wireless network 414 of FIG. 29 may be analogous to wireless network 414 of FIG. 28. In FIG. 28 and FIG. 29, like parts are indicated by identical reference numerals.

Applicants therefore submit that Guthrie does not suggest, teach or disclose a "wireless networks" of the type taught by Applicants invention and that additionally, Guthrie's "infrared wireless communications" teach away from much more sophisticated wireless networks such as those taught by Applicants' claims and specification, such as TDMA, CDMA, GSM, cellular, paging, personal area networks, WIN, Bluetooth, etc. Based on the foregoing, the Applicants believe that the rejection to claims 13-14, 25-26 and 32-35 has been traversed. Applicants

therefore request withdrawal of the aforementioned rejection to claims 13-14, 25-26 and 32-35.

Regarding claim 31, the Examiner argued that Guthrie discloses a system for providing electronic coupons or negotiable economic credits to a user over the Internet or any computer network having a server containing a central repository or database storing the electronic coupon data, wherein the electronic coupon data are downloaded to the user's portable device or handheld device or coupon scanner connected to a cradle (citing docking station 22 or Figs. 1, 6 and 7 of Guthrie). The Examiner asserted that the stored coupon data are marked with a unique personal identifier that will electronically stamp the coupon data with the user's personal information. The Examiner argued that the coupon scanner further contains routines or a coupon management program (arguing coupon management module) within its memory or database for managing the storage and usage of the electronic coupon data within the memory of the coupon scanner or handheld device (citing Col. 5, lines 25-36; Col. 8, lines 15-65; and Col. 9, lines 33-334 of Guthrie). Applicants respectfully disagree with this assessment.

Applicants' claim 31 features a coupon management module for managing the transmission, receipt and storage of at least one negotiable economic credit as coupon data within the hand held device, wherein the coupon management module is integrated with the hand held device; and association module for associating the coupon management module with the database within the hand held device. Neither associating means nor integration means (i.e., integration of coupon module with hand held device) is shown at Col. 5, lines 25-36; Col. 8, lines 15-65; and Col. 9, lines 33-334 of Guthrie. The Examiner has not explained which feature of Guthrie show such associating or integration means. Additionally, the coupon management program of Guthrie does not feature all of the following capabilities – i.e., transmission, receipt and storage of the coupon information in combination with the association module. Again, the Applicants remind the Examiner that the cited reference must show all of the features of the Applicants rejected claims. In the instant case, all such features are not shown and therefore the rejection to claim 31 is traversed. Applicants respectfully request withdrawal of the

aforementioned rejection to claim 31 under 35 U.S.C. § 102(e)

The Examiner further argued that claims 20, 21, 22, 23, 23, 27, 28, 29 and 30 contain limitations already addressed in claims 1, 2, 3, 4, 5, 8, 9, 10, and 11 respectively and that these limitations of claims 20, 21, 22, 23, 23, 27, 28, 29 and 30 are rejected under a similar rationale as respectively applied to claims 1, 2, 3, 4, 5, 8, 9, 10, and 11. Applicants argue in response, however, that the aforementioned remarks with respect to all of the claims rejected under 35 U.S.C. § 102(e) applies equally to any rejections thereof to 20, 21, 22, 23, 23, 27, 28, and 29. Therefore, rejections to claims 20, 21, 22, 23, 23, 27, 28, 29 under 35 U.S.C. § 102(e) are also traversed and should be withdrawn.

VI. Rejections Under 35 U.S.C. § 103

Claims 6-7, 15-16 and 12 were rejected by the Examiner under 35 U.S.C. § 103(a) as being unpatentable over Guthrie in view of Biorge et al. (hereinafter "Biorge") U.S. Patent No. 5,806,045A.

Regarding claims 6-7 and 15-16, the Examiner admitted that Guthrie does not expressly disclose a method and/or system for providing new negotiable economic credit or a new coupon data during a wireless connection (arguing redemption process or synchronization or data verification of validation) between the user's coupon scanner or handheld device and the retail store POS system, wherein the new data or new coupon data related to the one new negotiable economic credit are transmitted wirelessly from a coupon source related to the retail store POS and stored within the memory of the user's coupon scanner.

The Examiner argued, however, that Biorge teaches a system for providing incentive credits to a user or customer via a handheld or portable device 74 for every qualifying transaction conducted at a participating retailer or provider having a provider device 76 wherein the value of the incentive credits is contingent upon the value of a current transaction and wherein the customer's incentive credits are stored on the memory of the portable or handheld device 74 wherein they can be

retrieved during a redemption process. The Examiner argued that any given time subsequent to storing the incentive credits on the customer's handheld device, the customer can take the device 74 to the same retailer or another participating retailer or provider to redeem at least a portion of the incentive credits during a second transaction or a redemption process wherein the stored incentive credits are transmitted from the customer's handheld device 74 to the retailer's or provider's POS system or base device 72 (during a synchronization process). At the conclusion of the redemption process, the redeemed incentive credits are subtracted from the stored incentive credits and the portable device 74 memory is updating accordingly (arguing reconciliation process). Finally, the Examiner argued that the during the redemption process or second transaction (synchronization process), the retailer's POS system or base device 72 transfers newly earned incentive credits to the customer's handheld device 74 based on the value of the second transaction (citing abstract, Col. 6, line 49 to Col. 7, line 64; and Figs. 1-3 of Biorge, et al).

The Examiner therefore argued that an ordinary skilled artisan would have been motivated at the time of the invention to incorporate the teachings of Biorge into the incentive distribution system of Guthrie so as to provide a new negotiable economic credit or a new coupon or new incentive credits to a customer for conducting a business transaction at a participating retailer while redeeming an original negotiable economic credit or incentive credits or coupon stored in the customer's handheld device or coupon scanner, wherein the newly earned incentive credits are transmitted from the participating retailer's POS system to the customer's handheld device, using a docking station interface, an infrared transceiver interface, a wireless device interface, etc., where they are stored on permanent memory until they are retrieved and redeemed during a future transaction a participating POS, thereby encouraging the customer to redeem his stored incentive credits more frequently and on a timely fashion by shopping at participating or associated retailers, who continue to incentive the customer even during a redemption process, while increasing the redemption rate of the incentive credits or coupons and rendering the incentive distribution and redemption system more effective. The Applicants respectfully disagree with this assessment.

Applicants' claim 6 teaches transmitting data representative of at least one new negotiable economic credit from a coupon source associated with the point of sale to the hand held device during synchronization between the hand held device and the coupon source. Applicants claim 7 further teaches storing the at least one new negotiable economic credit as coupon data in the database within the hand held device, in response to transmitting the data representative of at least one new negotiable economic credit from the coupon source associated with the point of sale to the hand held device during synchronization between the hand held device and the coupon source. Although claims 6 and claim 7 refer to coupon data or coupons, Applicants' amended claim 1 teaches that negotiable economic credit comprises at least one of the following: at least one coupon, at least one financial award, at least one financial incentive, or cash.

Neither Guthrie or Biorge, individually and/or in combination with one another, teach an "in response to transmitting the data feature" which leads to storage of the negotiable economic credit as coupon data in the database in the hand held device, particularly wherein the at least negotiable economic credit comprises at least one of the following: at least one coupon, at least one financial award, at least one financial incentive, or cash. Therefore, it is improper to base a rejection to claims 6 and 7 upon Guthrie and/or Biorge. Additionally, the Examiner has not provided an explanation of why one skilled in the art would have been motivated to have combined Guthrie with Biorge, particularly when neither reference teaches wherein the at least negotiable economic credit comprises at least one of the following: at least one coupon, at least one financial award, at least one financial incentive, and/or cash.

Regarding claim 12, the Examiner argued that Guthrie discloses a system for providing electronic coupons or negotiable economic credits to a user over the Internet or any computer network having a server containing a central repository or database storing the electronic coupon data, wherein the electronic coupon data are downloaded to the user's portable device or handheld device or coupon scanner connected to a cradle (citing docking station 22 of Figs. 1, 6 and 7). The Examiner argued that the stored coupon data are marked with a unique personal identifier

that will electronically stamp the coupon data with the user's personal information. The Examiner asserted that the coupon scanner further contains routines or a coupon management program (arguing coupon management module) within its memory or database for managing the storage and usage of the electronic coupon data within the memory of the coupon scanner or handheld device (citing Co. 5, lines 25-36; Col. 8, lines 15-65; and Col. 9, lines 33-34 of Guthrie).

Regarding claims 15 and 16, Applicants claim 15 teaches that the coupon data is transmitted from a coupon source to the hand held device through a wireless network. Applicants' amended claim 16 teaches that the coupon data is transmitted from a coupon source to the hand held device through the wireless network indicated in claim 15, wherein the wireless network comprises a personal area network. Applicants note that sufficient support for the amendments to claims 15 and 16, as indicated herein, is provided by Applicants' specification.

Applicants note that neither Guthrie or Biorge, alone or in combination with one another teach a wireless network (see the discussion provided above, with respect to the rejections under 35 U.S.C. §102(e), concerning wireless networks), or a wireless network which comprises a personal area network. The Examiner has also not provided an explanation of why one skilled in the art would have been motivated to have combined Guthrie with Biorge, when neither Guthrie nor Biorge teach wireless networks as taught by Applicants 15 and 16, which are backed up by sufficient disclosure in Applicants' specification. Applicants therefore submit that the rejection to claims 15 and 16 has been traversed.

The Applicants remind the Examiner that the language of the references may not taken out of context and combined them without motivation, in effect producing the words of the claims (and sometimes, not even the words or concepts of the claims), without their meaning or context. The resultant combination would not yield the invention as claimed. The claims are rejected under 35 U.S.C. §103(a) and no showing has been made to provide the motivation as to why one of skill in the art would be motivated to make such a combination, and further fails to provide the teachings necessary to fill the gaps in these references in order to yield the

invention as claimed. The rejections under 35 U.S.C. §103(a) have provided no more motivation than to simply point out the individual words of the Applicant's claims among the references, but without the reason and result as provided in the Applicant's claims and specification, and without reason as to why and how the references could provide the Applicant's invention as claimed. Hindsight cannot be the basis for motivation, which is not sufficient to meet the burden of sustaining a 35 U.S.C. §103(a) rejection.

Thus, claims 6-7, 15-16 and 12 of the present invention are not taught or suggested by Guthrie and/or Biorge. Combining these references fails to teach or yield the invention as claimed. The combination of these references fails to teach or suggest all the elements of the claims. Further, one of skill in the art would not be motivated to make such a combination. Therefore, the present invention is not obvious in light of any combination of Guthrie and/or Biorge. Withdrawal of the §103 rejection to claims 6-7, 15-16 and 12 is therefore respectfully requested.

VII. Prior Art References

The Examiner cited references, which were not officially used but considered to be highly relevant. The Examiner cited U.S. Patent No. 6,332,127 to Bandera arguing that Bandera discloses a system for providing a coupon to a customer wherein the coupon is downloaded from a web server and uploaded on the customer's PDA device for permanent storage and wherein the PDA device is wireless-connected to a store POS during a redemption process. The Examiner cited Figs. 9A-9B, Col. 9, line 49 to Col. 10, line 31 of Bandera. Applicants note that Bandera does not teach, disclose or suggest wireless networks and/or negotiable economic credits as taught by Applicants' claims and specification. The language of Bandera at Figs. 9A-9B, Col. 9, line 49 to Col. 10, line 31 also does not teach, disclose or suggest wireless networks and/or negotiable economic credits as taught by Applicants' claims and specification.

The Examiner also cited U.S. Patent No. 5,870,030 to Deluca, which discloses a system for providing a coupon to a customer for answering quizzes related to

advertisements displayed on the customer's pager and wherein the coupon data are downloaded from a remote system and uploaded on the customer's pager memory for permanent storage and wherein the pager having a bar code related to the stored coupon is scanned during a redemption process at a POS terminal. The Examiner cited Fig. 8, Col. 10, line 29 to Col. 11, line 2 and Col. 12, lines 26-45 of Deluca. Applicants note that Deluca does not teach, disclose or suggest wireless networks and/or negotiable economic credits as taught by Applicants' claims and specification. The language of Deluca at Fig. 8, Col. 10, line 29 to Col. 11, line 2 and Col. 12, lines 26-45 also does not teach, disclose or suggest wireless networks and/or negotiable economic credits as taught by Applicants' claims and specification.

The Examiner additionally cited U.S. Patent No. 6,332,128 to Nicholson, arguing that Nicholson discloses a system for providing multi-level discount coupons to a customer wherein the discount coupons are encoded on an RF device, such as a transponder. Applicants note that Nicholson does not teach, disclose or suggest wireless networks and/or negotiable economic credits as taught by Applicants' claims and specification.

CONCLUSION

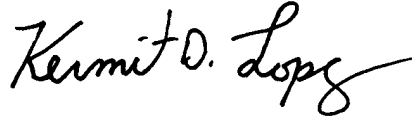
Applicants have amended the claims to more particularly disclose the invention claimed. It is believed that such amendments do not constitute new matter, but are rather clarifying in nature. Additionally, it is believed that support for such amendments is provided within the specification, and that the specification adequately enables such amendments.

In view of the foregoing discussion, Applicants have responded to each and every rejection of the Official Action, and respectfully request that a timely Notice of Allowance be issued. Applicants have demonstrated that their disclosed and claimed invention is novel and non-obvious relative to the prior art. Should there be any outstanding matters that need to be resolved in the present application; the Examiner is respectfully requested to contact the undersigned representative to conduct an interview in an effort to expedite prosecution in connection with the

present application.

Dated: September 26, 2003

Respectfully submitted,

A handwritten signature in black ink that reads "Kermit D. Lopez". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

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Response To The Committee

In response to the Committee or the Reviewers findings associated with the restriction by species of claims 17-19 and 36-38, the Examiner first notes that the Committee did not specifically point out the deficiencies or improprieties related to the Examiner's action. Nevertheless, the Examiner will herein try to broadly address the Committee findings.

Excerpt from the restriction requirement.

- I. Claims 17 and 36 drawn to a method and system for providing at least one negotiable economic credit or coupon wherein a smart card is used to upload coupon data from the smart card into the user's handheld device or coupon data can be downloaded from the handheld device to the smart card (fig. 38) and
- II. Claims 18-19 and 37-38 drawn to a method and system for configuring the user's handheld device with a bar code scanner or optical scanner to upload into the user's handheld device coupon data read or scanned from printed publications or newspapers and so on.

(See species shown in figs. 38-40 and pages 99-101).

First of all, in view of fig. 40 and page 100: 9 to page 101: 10, an ordinary skilled artisan would have concluded that the embodiment related to fig. 40 does support both inventions, as described above. In fact, the handheld device 710, as depicted in fig. 40, includes an input means 706 or a smart card for transferring coupon data to the

handheld device 710 memory or database and an input means 720 or scanning means for scanning coupon data from static papers to the handheld 710 device memory or database. Here, it appears that the restriction requirement is improper, as so indicated by the Committee. However, the Examiner respectfully disagrees. Indeed, the Office encourages Examiners, when in doubt, to point out all potential deficiencies in the claimed invention during first Office Actions, thereby putting the Applicants on notice. Further, although the manner in which coupon data are uploaded into the handheld device (from a computer, from a smart card or scanner) is a matter of design choice or great convenience, however, the Examiner was concerned with the fact that the Applicant can amend claims 17 and 36 in a divisional application using the materials disclosed on page 99: 17-18 of the specification. Using this disclosure, the **Applicant can improve the claim language to further include the steps of configuring the handheld device with a smart card, wherein the smart card can retrieve coupon data from the handheld device and store the retrieved coupon data in its memory (fig. 38).** And if such amendment were to take place, the new claim limitations of claims 17 and 36 would have not been considered as a design choice. As a result, the Examiner felt compelled to raise the issue in the first Office Action to thereby avoid this potential problem during the prosecution of the case. Moreover, US Patents 6, 385, 591 to Mankoff, 6, 450, 407 to Freeman, 5, 870, 030, to Deluca, 6, 332, 127 to Bandera disclose a system for downloading coupon data from a network to a handheld device and US Patent 5, 192, 854 to Counts discloses a system for scanning coupon data into a handheld device. In other words, retrieving coupon data stored in a handheld device to a smart card where they can be stored for future use is not so obvious or so well known in the art.